

## DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A GENE DELIVERY VEHICLE EXPRESSING THE APOPTOSIS-INDUCING  
PROTEINS VP2 AND/OR APOPTIN

(Title of Invention)

the specification of which:  
(check one)

\_\_\_\_\_ is attached hereto.

X was filed on October 14, 1999

Application Serial No. 09/403,213

and was amended by \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

Number	Country	Filing Date	Yes	No
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

And I hereby appoint Robert D. Katz (Reg. No. 30141); Ivan S. Kavrukov (Reg. No. 25161); Christopher C. Dunham (Reg. No. 22031); Norman H. Zivin (Reg. No. 25385); John P. White (Reg. No. 28678); Peter J. Phillips (Reg. No. 29691); and Richard F. Jaworski (Reg. No. 33515), and each of them, all c/o Cooper & Dunham LLP of 1185 Avenue of the Americas, New York, New York 10036 (Tel. 212-278-0400), my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected herewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to:

Robert D. Katz Reg. No. 30141

Cooper & Dunham LLP  
 1185 Avenue of the Americas  
 New York, New York 10036  
 Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor Matheus Hubertus Maria NOTEBORN

Inventor's signature 


Citizenship Dutch Date of signature 21-06-2000

Residence Sternstr 15, 2352 EH heiderloop  
 Post Office Address \_\_\_\_\_

**Declaration and Power of Attorney**

**Page 3**

Full name of sole or  
second inventor Alexandra Maria PIETERSEN

Inventor's signature 

Citizenship Leiden Date of signature 10/7/2000

Residence Haarlemmerstraat 40A 2312GB Leiden The Netherlands

Post Office Address \_\_\_\_\_

**STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f)  
AND §1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

       the owner of the small business concern identified below.

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: LEADD bv  
Address of Concern: PO Box 9503  
2300 RA LEIDEN  
THE NETHERLANDS

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.3-18, reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under 35 U.S.C. §41(a) and §41(b), in that the number of employees of the concern, including those of its affiliates, does not exceed five hundred (500) persons. For purposes of this verified statement, the number of employees of the business concern is the average number, over the previous fiscal year, of the persons employed by the business concern on a full-time, part-time, or temporary basis during each pay period of the fiscal year, and concerns are affiliates of each other when, either directly or indirectly, one concern controls or has power to control the other, or a third party or parties controls or has power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled

A GENE DELIVERY VEHICLE EXPRESSING THE APOPTOSIS-INDUCING  
PROTEINS VP2 AND/OR APOPTIN  
described in:

       the specification filed herewith  
       application serial no.        filed       

Patent No.        issued        If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.9(c), any concern which could not qualify as a small business concern under 37 C.F.R. §1.9(d) or as a nonprofit organization under 37 C.F.R. §1.9(e).

Name:         
Address:         
      

       Individual ☒ Small Business Concern        Nonprofit Organization

**I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)<sup>5</sup>.**

Name of Person Signing: Dr MKM Notelborn

Title In Organization: Chief Scientific Officer

Address: Strombe 15 2352 EH  
LEIDER DORP THE NETHERLANDS

Signature: M. Patel

Date of Signature: 21-06-2000